

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:18AM P2

I. JURISDICTION AND PARTIES

1.1 Plaintiff Kathie Fitzpatrick is the natural mother and personal representative of the Estate of decedent Karen L. Fitzpatrick.

1.2 Plaintiffs Rick Johnson is the natural father of decedent Jessica Johnson.

1.3 Plaintiff Jody Gray is the natural mother and personal representative of the Estate of decedent Jessica Johnson.

1.4 Plaintiffs John C. Doe 1-10 are other potential Plaintiffs injured by Defendants' negligence.

1.5 Defendant Anchor Industries Inc. is an Indiana business entity doing business in Yakima County, Washington, and believed to have improperly, negligently, dangerously and unreasonably developed, designed, constructed, and marketed the fire shelters referred to herein.

1.6 Defendants Weckworth Manufacturing, Inc., and Weckworth-Langdon are Kansas business entities doing business in Yakima County, Washington, and believed to have improperly, unreasonably, negligently and dangerously developed, designed, constructed, and marketed the fire shelters referred to herein.

1.7 Defendants International Cases and Manufacturing, and Sifton Company, are California business entities doing business in Yakima County, Washington, and believed to have improperly, unreasonably, negligently and dangerously developed, designed, constructed, and marketed the fire shelters referred to herein.

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 2 of 6

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(product complaint)

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEMI LLP
1801 PACIFIC AVENUE, SUITE 2000
PORT OFRICE BOX 1007
YAKIMA, WASHINGTON 98901-4107
(509) 455-4000 • FACSIMILE (509) 455-4004

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:18AM P3

1.8 Defendants John Doe 1-10 are individuals and entities doing business in Yakima County, Washington, and involved with the development, design, construction, and marketing of the fire shelters referred to herein. Upon discovery produced by Defendants, Plaintiffs will identify the remaining defendants with particularity.

1.9 Defendant National Association of State Foresters, or a similarly named entity, is an association involved in preparing instructions which accompanied the fire shelters in question. The instructions were inadequate, erroneous, unreasonable and dangerous.

1.10 Jurisdiction and venue is proper in this Court because the defendants were doing business in Yakima County, Washington.

II. BACKGROUND FACTS

2.1 On July 10, 2001, in what has become known as the "Thirty-mile Fire," USFS Firefighters Karen Fitzpatrick and Jessica Johnson were killed due to the wrongful actions and omissions on the part of Defendants. Specifically, Karen and Jessica were entrapped along the Chewuch River with several other USFS officials in the midst of a fire. At all times, Karen and Jessica were working valiantly in the face of impending danger in an attempt to prevent injury to unsuspecting persons and unprotected property.

2.2 When battling the fire, it became necessary for Karen and Jessica to deploy their fire shelters as protection from the fire that was overtaking their position. Relying upon their fire shelters and the instructions given regarding fire shelter usage and deployment, Karen and Jessica deployed their fire shelters on a rock scree in a manner intended to preserve their lives and safety. Just yards away, other USFS firefighters and civilians deployed their shelters on roadway path rather than the rock scree as did Karen and Jessica, and two others.

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 3 of 6

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[product complaint]

LEW OFFICE
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
1200 PACIFIC AVENUE, SUITE 1000
PORT OFRICE, OR 97130
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WWW.GTHM.COM

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:19AM P4

2.3 The fire shelters failed causing the deaths of Karen and Jessica. The fire shelters failed due to improper and insufficient design and improper instructions and warnings regarding their use. If either Karen or Jessica had received proper instructions as to fire shelter deployment and/or if the fire shelters were properly designed and/or constructed by Defendants, Karen and Jessica would have survived the Thirty-mile Fire, as did the firefighters who deployed on the roadway path.

III. CAUSES OF ACTION

3.1 **PRODUCTS LIABILITY:** Pursuant to RCW Chapter 7.72, Defendants are liable for Plaintiffs' injuries based upon the unreasonable, improper and substandard manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage, and/or labeling of the fire shelters used by Karen and Jessica that caused their untimely deaths. Defendants are strictly liable for the improper design, design defects, and defective instructions and warnings under applicable law. Defendants' failures in this regard proximately caused the deaths and injuries described herein.

3.2 **NEGLIGENCE:** Defendants failed to use reasonable care thereby causing Plaintiffs' injuries through those negligent acts and omissions. Their failure to exercise reasonable care proximately caused the injuries described herein.

3.3 **WRONGFUL DEATH:** Plaintiffs assert each and every claim in this Complaint as is consistent with RCW Chapter 4.20 and other applicable laws regarding survival of actions.

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 4 of 6
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[product complaint]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DANES LLP
1000 PACIFIC AVENUE, SUITE 1100
PORT ORCHIE, WA 98543
TEL: 360.883.1100
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FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:19 AM P5

IV. DAMAGES

4.1 Plaintiffs suffered conscious pain, suffering and mental anguish, as well as physical disability, permanent injuries, and death, the extent of which for each named plaintiff will be proven at the time of trial. Plaintiffs also claim damages for loss of enjoyment of life, emotional distress, anguish, mental and emotional shock, loss of relationship, consortium and other special and general damages which will be proved with specificity at the time of trial. These damages have continued to the present and will continue for an indefinite period of time into the future.

4.2 As a direct result of Defendants' actions, omissions and negligence, Plaintiffs have suffered pecuniary losses and other general and special damages that will be proven at the time of trial.

4.3 Plaintiffs have incurred additional general and special damages including out-of-pocket expenses and will continue to incur the same associated with their injuries and damages, the exact extent of which will be proven at the time of trial.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

- (1) For such special damages as shall be established at time of trial herein;
- (2) For such general damages as shall be established at time of trial herein;
- (3) For such punitive damages as shall be established at the time of trial herein;
- (4) For such attorneys' fees, interest, costs, and such other and further relief as shall be allowed by law or deemed just and equitable.

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 5 of 6

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[product complaint]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DANHEIM LLP
1001 PLYMOUTH AVENUE, SUITE 2100
PORT OF SPAIN, GEORGIA 31406
TACOMA, WASHINGTON 98401-4187
(206) 466-6666 - Fax: (206) 466-6666

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:19AM P6

Dated this 7 day of July, 2004.

GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP

By

John R. Connelly, Jr., WSBA No. 12183
Lincoln C. Beauregard WSBA No. 32878
Attorneys for Plaintiffs

LAW OFFICE OF MARIANO MORALES, JR.

By

Mariano Morales, Jr., WSBA No. 19213
Attorneys for Plaintiffs
3907 Summitview Ave., Ste. B
Yakima, WA 98902
509-972-0493

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 6 of 6

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[product complaint]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
1201 PINEHURST AVENUE, SUITE 2100
PORT KENNES, OHIO 44131
YAKIMA, WASHINGTON 98902-1107
(509) 972-0493 - FACSIMILE (509) 972-0493

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:20AM P7

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9 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
10 **IN AND FOR THE COUNTY OF YAKIMA**
11

12 KATHIE FITZPATRICK, individually and as)
13 Personal representative of the Estate of Karen)
14 L. Fitzpatrick; Rick Johnson, individually, and)
15 JODY GRAY, individually and as personal)
16 Representative of the Estate of Jessica Johnson)
17 And, JOHN C. DOE 1-10,)

18 Plaintiffs,
19
20 v.

NO:

DECLARATION OF FAX
FILING

21 ANCHOR INDUSTRIES INC., an Indiana business)
22 Entity; WECKWORTH MANUFACTURING, INC.)
23 A Kansas business entity; WECKWORTH - LANG-)
24 DON, Kansas business entity; INTERNATIONAL)
25 CASES AND MFG., a California business entity;)
26 SILTON COMPANY, a California business entity;)
27 NATIONAL ASSOCIATION OF STATE)
28 FORRESTERS, a national association; and JOHN)
DOES 1-10,)

Defendants.

29
30 **UNDER PENALTY of perjury under the laws of the state of Washington, I, SUE**
31 **RADKE, do hereby declare that the following is true and correct:**
32
33

34 FITZPATRICK, JOHNSON VS.
ANCHOR INDUSTRIES, ET AL

LAW OFFICES OF MARIANO MORALES JR., P.S.

Mariano Morales Jr., Attorney
3907 Summitview Ave., Suite
Yakima, WA 98902
Telephone (509) 972-8493
Facsimile (509) 972-8489

Page 1

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:20AM P9

07/08/2004 14:18 FAX

003/003

Dated this 9 day of July, 2004.

GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP

By

John R. Connolly, Jr., WSBA No. 12183
Lincoln C. Beauregard WSBA No. 32878
Attorneys for Plaintiff

LAW OFFICE OF MARIANO MORALES, JR.

By

Mariano Morales, Jr., WSBA No. 19213
Attorneys for Plaintiff
3907 Summitview Ave., Ste. B
Yakima, WA 98902
509-972-0493

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 6 of 6

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LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
3907 SUMMITVIEW AVE., STE. B
YAKIMA, WA 98902
(509) 972-0493

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:20AM PB

1 Pursuant to GR 17, I have examined the THE SIGNATURE PAGE OF THE
2 COMPLAINT FOR DAMAGES - WRONGFUL DEATH in the above matter. It consists of
3 three (3) pages including this declaration and it is complete and legible.
4

5 DATED this 9th day of July, 2004
6
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8
9

10 Sue Radke
11

12 SUE RADKE
13 Law Office of Mariano Morales, Jr.
14 3709 Summitview Ave., Suite B
15 Yakima, WA 98902
16 Phone 509-972-0493
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FITZPATRICK, JOHNSON VS.
ANCHOR INDUSTRIES, ET AL

LAW OFFICES OF MARIANO MORALES JR., P.S.

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Telephone (509) 972-0493
Facsimile (509) 972-0489

Page 2

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:20AM P10

RECEIVED
OCT 14 PM 1 36
KIM M. EATON
CLERK OF
COURT
YAKIMA WASHINGTON

FILED
OCT 14 2004
KIM M. EATON
YAKIMA COUNTY CLERK

IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF YAKIMA, STATE OF WASHINGTON

KATHIE FITZPATRICK, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF KAREN L. FITZPATRICK; ET AL

Plaintiff/Petitioner

VS.
ANCHOR INDUSTRIES, INC., AN INDIANA
BUSINESS ENTITY; ET AL

Defendant/Respondent

Hearing Date:

CAUSE NO. 04 2 02316 4

DECLARATION OF SERVICE OF:
SUMMONS AND COMPLAINT FOR DAMAGES-
WRONGFUL DEATH

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 6th day of October, 2004, at 2:55 PM, at the address of 2959 N ROCK Road, Wichita, Sedgwick County, KS; this declarant served the above described documents upon WECKWORTH-LANGDON, A KANSAS BUSINESS ENTITY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Terri Thornton, Legal assistant to, Registered Agent, Thomas C. Triplett.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that statement above is true and correct.

DATED this 6th day of October, 2004


Dan Boyd, Sedgwick, Kansas

Service Fees Total _____
Agent/Server Do NOT Print

ABC's Client Name
Gordon, Thomas (Tacoma)
26328.00001

ORIGINAL PROOF OF
SERVICE



ABC Tracking #: 3509808



2

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:20AM P11

FILED
JUL 09 2004

KIM M. EATON, YAKIMA COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
SILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORRESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

NO. 04 2 02316 4
SUMMONS

TO THE DEFENDANTS: A lawsuit has been started against you in the
above-entitled court by the above named Plaintiffs. Plaintiffs claim is stated in the written
Complaint, a copy of which is served upon you with this Summons.

SUMMONS - 1 of 3

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[continued]

CLERK OF COURT
GORDON, THOMAS, MCNEYWELL, MALANCA,
PETERSON & GANEM LLP
1000 PARKER AVENUE, SUITE 2000
PORT ORCHIE, WASH 98543
YAKIMA COUNTY CLERK
(509) 525-0000 • FAX (509) 525-0000

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:21AM P12

RECEIVED
OCT 14 PM 1:36
CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED
OCT 14 2004
KIM M. EATON
YAKIMA COUNTY CLERK

IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF YAKIMA, STATE OF WASHINGTON

NATHE FITZPATRICK, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF KAREN L. FITZPATRICK ET AL.

Plaintiff/Petitioner

vs.
ANCHOR INDUSTRIES, INC., AN INDIANA
BUSINESS ENTITY; ET AL.

Defendant/Respondent

Hearing Date:

CAUSE NO. 04 2 02316 4

DECLARATION OF SERVICE OF:
SUBPOENA AND COMPLAINT FOR DAMAGES-
WRONGFUL DEATH

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

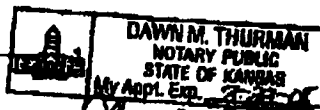
On the 8th day of October, 2004, at 2:55 PM, at the address of 2859 N ROCK Road, Wichita, Sedgewick County, KS; this declarant served the above described documents upon WECKWORTH MANUFACTURING, INC., A KANSAS BUSINESS ENTITY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Terri Thornton, Legal assistant to, Registered Agent, Thomas C. Triplett.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that statement above is true and correct.

DATED this 8th day of October, 2004.

Dan Boyd
Dan Boyd, Sedgewick, Kansas



Service Fees Total _____
Agent/Server Do NOT Price

ABC's Client Name
Gordon, Thomas (Tecom) 28328.00001

ORIGINAL PROOF OF
SERVICE

ABC Tracking #: 3415374

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FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:21AM P13

FILED
JUL 09 2004

KIM E. EATON, YAKIMA COUNTY CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY**

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
SILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORRESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

**NO. 04 2 02316 4
SUMMONS**

TO THE DEFENDANTS: A lawsuit has been started against you in the
above-entitled court by the above named Plaintiffs. Plaintiffs claim is stated in the written
Complaint, a copy of which is served upon you with this Summons.

SUMMONS - 1 of 3

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[continued]

**LAW OFFICES
GORDON, THOMAS, HENRYWELL, MALANGA,
PETERSON & DANIEL LLP
2000 PACIFIC AVENUE, SUITE 2000
PORT VICTORIA, BRITISH COLUMBIA
VICTORIA, BRITISH COLUMBIA V8W 2G7
(250) 582-0000 • FAX (250) 582-0001**

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:21AM P14

07/08/2004 14:18 FAX

002/003

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons within 20 days after the service of this Summons within the State of Washington or 60 days if served outside of the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what they ask for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the court, or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated this 8 day of July, 2004.

GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHRIM LLP

By

John R. Connelly, Jr., WSBA No. 12166
Lincoln C. Beauregard WSBA No. 32878
Attorneys for Plaintiffs

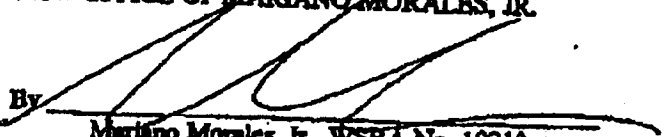
SUMMONS - 1 of 3
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(1276012 v1.doc)

GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHRIM LLP
1000 10TH AVENUE, SUITE 1000
SEATTLE, WASHINGTON 98101
TEL: 206.461.1000 FAX: 206.461.1001
WWW.GTHMALANCA.COM

FROM : ROYCE ENTERPRISES FAX NO. : 15094524987 Nov. 03 2004 10:21AM P15

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LAW OFFICE OF MARIANO MORALES, JR.

By 

Mariano Morales, Jr., WSBA No. 19213
Attorneys for Plaintiffs
3907 Summitview Ave., Ste. B
Yakima, WA 98902
509-972-0493

SUMMONS - 3 of 3
0
[Signature]

LAW OFFICES
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PETERSON & GARDNER LLP
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PORT ORCHARD, WA 98547
YAKIMA, WASHINGTON 98902
509-825-1111 • FAX 509-825-1112

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:23AM P1

FILED
JUL 09 2004

KEVIN M. EATON, YAKIMA COUNTY CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY**

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
SILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

NO. 04 2 02316 4

SUMMONS

TO THE DEFENDANTS: A lawsuit has been started against you in the
above-entitled court by the above named Plaintiffs. Plaintiffs claim is stated in the written
Complaint, a copy of which is served upon you with this Summons.

SUMMONS - 1 of 3

0

(Summons)

GORDON, THOMAS, HONEYWELL, BALANCA,
PETERSON & DAVENPORT LLP
ATTORNEYS AT LAW
1000 WESTERN AVENUE, SUITE 2000
YAKIMA, WASHINGTON 98901
(509) 225-1111

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:23AM P2

RECEIVED

OCT 19 PM 12 31

KIM M. EATON
EX-111111 CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED

OCT 19 2004

KIM M. EATON
YAKIMA COUNTY CLERK

IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF YAKIMA, STATE OF WASHINGTON

KATHIE FITZPATRICK, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF KAREN L. FITZPATRICK; ET AL.

Plaintiff/Petitioner

vs.
ANCHOR INDUSTRIES, INC., AN INDIANA
BUSINESS ENTITY; ET AL.

Defendant/Respondent

Hearing Date:

CAUSE NO. 04 2 02318 4

DECLARATION OF SERVICE OF:
SUMMONS AND COMPLAINT FOR DAMAGES-
WRONGFUL DEATH

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 8th day of October, 2004, at 11:50 AM, at the address of 1100 BURCH Drive , EVANSVILLE, Vanderburgh County, IN ; this declarant served the above described documents upon ANCHOR INDUSTRIES INC., AN INDIANA BUSINESS ENTITY, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Peter Magavero, .

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 8th day of October, 2004.

Leon Horton

LEON HORTON

Service Fees Total _____
Agent/Server Do NOT Price

ABC's Client Name
Gordon, Thomas (Tacoma)
28326.00001

ORIGINAL PROOF OF
SERVICE

ABC Tracking #: 3415376



FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:23AM P3

FILED
JUL 09 2004

KIM M. EATON, YAKIMA COUNTY CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY**

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
BILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORRESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

**NO. 04 2 02316 4
SUMMONS**

TO THE DEFENDANTS: A lawsuit has been started against you in the
above-entitled court by the above named Plaintiffs. Plaintiffs claim is stated in the written
Complaint, a copy of which is served upon you with this Summons.

SUMMONS - 1 of 3

0

(summons)

**GORDON, THOMAS, HENSTWELL, MALANDRA,
PETERSON & DANIEL LLP
1000 PLYMOUTH AVENUE, SUITE 2000
YAKIMA, WASHINGTON 98901
(509) 225-1100 • FAX (509) 225-1101**

FAX NO. : 15094524987

Nov. 03 2004 10:24AM P5

RECEIVED

SEP 20 PM 12 57

FILED
OCT 20 2004

KIM M. EASON, YAKIMA COUNTY CLERK

10 KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen
11 L. Fitzpatrick; RICK JOHNSON, individually,
and JODY GRAY, individually and as
12 personal representative of the Estate of Jessica
Johnso, and, JOHN C. DOE 1-10;

 γ

ANCHOR INDUSTRIES, INC., an Indiana business entity; **WECKWORTH MANUFACTURING, INC.**, a Kansas business entity; **WECKWORTH-LANGDON**, a Kansas business entity; **INTERNATIONAL CASES AND MFG.**, a California business entity; **NATIONAL ASSOCIATION OF STATE FORESTERS**, a national association; and **JOHN DOES 1-10**.

NO. 04-2-02316-4

NOTICE OF APPEARANCE

TO: KATHIE FITZPATRICK, individually and as personal representative of the Estate of Karen L. Fitzpatrick; RICK JOHNSON, individually, and JODY GRAY, individually and as personal representative of the Estate of Jessica Johnson and JOHN C. DOE 1-10

AND TO: JOHN R. CONNELLY, JR., and LINCOLN C. BEAUREGARD of GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM, LLP and MARIANO MORALES, JR. and the LAW OFFICE OF MARIANO MORALES, JR., their attorneys

(PAGE 4 OF 7) : 4.DOC:1/99/25.00033-7

NOTICE OF APPEARANCE - 1

OGDEN MURPHY WALLACE, P.L.L.C.
1601 Fifth Avenue, Suite 2100
Seattle, Washington 98101-1686
Tel: 206-447-7000/Fax: 206-447-0215

ORIGINAL

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:24AM P6

1 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Defendants
2 Weckworth Manufacturing, Inc. and Weckworth-Langdon, without waiving objections as to
3 improper service or jurisdiction, hereby enter their appearance through the undersigned attorneys,
4 and you are notified that service of all further pleadings, notices, documents or other papers,
5 exclusive of process, may be had upon it by serving the undersigned attorneys of record at the
6 address below stated. Transmission by facsimile does not constitute service unless prior agreement
7 is made.

8 DATED this 18 day of October 18, 2004.

9 OGDEN MURPHY WALLACE, P.L.L.C.

10 By: 

11 Phillip C. Raymond, WSBA #12798
12 Attorney for Defendants Weckworth
13 Manufacturing, Inc. and Weckworth-Langdon
14
15
16

17 **DECLARATION OF SERVICE**

18 I hereby declare that I sent a copy of the document on
19 which this declaration appears via email messenger
20 service to Connelly, Beauregard & Marshall
21 I declare under penalty of perjury of the laws of the
22 State of Washington that the foregoing is true and correct.
23 Executed at Seattle, WA on 11/3/04
24 Signed by: Jim Mathis

25 [SMMS91214.DOC/1/9924031321]

26 NOTICE OF APPEARANCE - 2

27 OGDEN MURPHY WALLACE, P.L.L.C.
28 1601 Fifth Avenue, Suite 2100
Seattle, Washington 98101-1606
Tel: 206-447-7000/Fax: 206-447-0213

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:24AM P7

RECEIVED

OCT 25 AM 11 00

Y. M. EATON
EX. CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED
OCT 25 2004

YAKIMA COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen
L. Fitzpatrick; RICK JOHNSON,
individually, and JODY GRAY, individually
and as personal representative of the Estate of
Jessica Johnson; and, JOHN C. DOE 1-10,

Plaintiffs,

vs.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas
business entity; WECKWORTH-LANGDON,
a Kansas business entity; INTERNATIONAL
CASES AND MFG., a California business
entity; SILTON COMPANY, a California
business entity; NATIONAL ASSOCIATION
OF STATE FORRESTERS, a national
association; and JOHN DOES 1-10,

Defendants.

NO. 04-2-02316 4

NOTICE OF APPEARANCE

NOTICE OF APPEARANCE - 1
(00901-0001/BLD/2004.007)

PERKINS COLE LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
(206) 583-8888

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

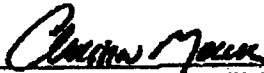
Nov. 03 2004 10:24AM PB

TO: All Parties and Their Counsel of Record

PLEASE TAKE NOTICE that defendant National Association of State Foresters hereby appears by and through the undersigned counsel and requests that copies of all documents and pleadings, with the exception of original process, be served on the undersigned counsel.

DATED: October 22, 2004.

PERKINS COTE LLP

By 
Christian Moller, WSBA #13597
Heather L. Burgess, WSBA #28477
James R. Johnston, WSBA #8744
Attorneys for National Association of State Foresters

NOTICE OF APPEARANCE - 2
[00001-0001/01042900.207]

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